

# ***DRAFT UNAPPROVED***

## **VIRGINIA BOARD OF MEDICINE FORMAL HEARING MINUTES**

---

**April 13, 2018**

**Department of Health Professions  
Perimeter Center  
9960 Mayland Drive, Suite #300**

---

**Henrico, Virginia**

**CALL TO ORDER:** A panel of the Board was called to order at 11:07 a.m.

**MEMBERS PRESENT:** Lori Conklin, M.D., Chair  
Maxine Lee, M.D.  
Jane Hickey, J.D.  
N. Ray Tuck, Jr., D.C.  
Syed Ali, M.D.

**BOARD COUNSEL:** Erin Barrett, Assistant Attorney General

**STAFF PRESENT:** Jennifer L. Deschenes, Deputy Executive Director, Discipline  
Tamika Hines, Case Manager, Discipline

**COURT REPORTER:** Lori Larsen, Crane Snead & Associates, Inc.

**PARTIES ON BEHALF OF  
COMMONWEALTH:** Julia Bennett, Assistant Attorney General  
Tracy Robinson, Adjudication Specialist

**COMMONWEALTH  
WITNESSES:** Patricia Harte-Byers  
Michael Moro, M.D. (by phone)  
Fran Moro (by phone)  
Deirdre Sciortino

**MATTER SCHEDULED:** **Jim-David Gaglione, M.D.** License No.: 0101-048671  
Case Nos.: 160736, 161688

**DISCUSSION:** The Chair noted that Dr. Gaglione was not present and the time was currently 11:08 a.m. Dr. Gaglione had been noticed to appear before the Board at 11:00 a.m. Ms. Bennett presented an affidavit attesting that the Notice had been sent to Dr. Gaglione's address of record with the Board by overnight and first class mail. The Chair opined proper notice of the proceeding had been provided to Dr. Gaglione and the formal hearing proceeded in Dr. Gaglione's absence. The Board

received sworn testimony from witnesses called by the Commonwealth.

**CLOSED SESSION:**

Upon a motion by Dr. Ali, and duly seconded by Dr. Lee, the Board voted to convene a closed meeting pursuant to §2.2-3711.A (27) of the Code of Virginia, for the purpose of deliberation to reach a decision in the matter of Dr. Gaglione. Additionally, he moved that Ms. Deschenes and Ms. Hines attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Board in its deliberations.

**RECONVENE:**

Having certified that the matters discussed in the preceding closed session met the requirements of §2.2-3712 of the Code, the Board re-convened in open session and announced its decision.

**DECISION:**

Upon a motion by Ms. Hickey, and duly seconded by Dr. Tuck, the Board made certain findings of fact and conclusions of law and voted to revoke the license of Dr. Gaglione.

**VOTE:**

The vote was unanimous.

**ADJOURNMENT:**

The Board adjourned at 1:05 p.m.

*The decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decisions of this formal hearing panel.*

\_\_\_\_\_  
Lori Conklin, M.D., Chair

\_\_\_\_\_  
William L. Harp, M.D., Executive Director

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date